



Patricia Lewis
**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/135,059	10/12/93	SEEBACHER	R 233808419

DARBY & DARBY
805 THIRD AVENUE
NEW YORK NY 10022

PM31/0529

EXAMINER

RODRIGUEZ, S

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/29/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Abandonment

Application No.

08/135,059

Applicant(s)

Seebacher et al.

Examiner

Saul J. Rodriguez

Group Art Unit

3622



This application is abandoned in view of:

- ☐ applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☐ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ the reason(s) below:

The submission under 37 CFR 1.129(a) filed on April 2, 1997 is improper because of applicant's reliance on foreign priority (35 USC 1.19) for the benefits provided by the transitional provision. Only applications filed under 35 USC 120, 121 and 365(c) are entitled to the two years benefit. Therefore, on or before April 2, 1997 an Appeal Brief in response to the Office Action mailed on July 9, 1996 should have been received. Consequently the application is considered to be abandoned. The examiner would like to apologize for any inconveniences.

Charles A. Marmorek
CHARLES A. MARMOREK
SUPERVISORY PATENT EXAMINER
ART UNIT 3622